

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 25 FT TO 12 FT FOR AN EXISTING HOME; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING ADDITION; AND (3) MINIMUM LOT SIZE VARIANCE FROM 8,400 SF TO 7,500 SF; (WYNNER LOWERY, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 06-23-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 25 FT TO 12 FT FOR AN EXISTING HOME; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING ADDITION; AND (3) MINIMUM LOT SIZE VARIANCE FROM 8,400 SF TO 7,500 SF; (WYNNER LOWERY, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) FRONT YARD SETBACK VARIANCE FROM 25 FT TO 12 FT FOR AN EXISTING HOME; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR AN EXISTING ADDITION; AND (3) MINIMUM LOT SIZE VARIANCE FROM 8,400 SF TO 7,500 SF; (WYNNER LOWERY, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #5, McLain)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	WYNNER LOWERY 2090 HURSTON AVENUE SANFORD, FL 32771	R-1 DISTRICT, LDC SECTIONS 30.185(a), 30.186(a)(1), & 30.186(a)(2)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CONSTRUCTED A 60 SF (5 FT BY 12 FT) ADDITION (CLOSET) TO THE REAR OF AN EXISTING SINGLE-FAMILY HOME WITHOUT A BUILDING PERMIT. • PRIOR TO THE CONSTRUCTION OF THE ADDITION, THE HOME WAS NONCONFORMING AND FAILED TO ADHERE TO THE MINIMUM FRONT AND SIDE YARD SETBACKS FOR THE R-1 DISTRICT. • THE AFOREMENTIONED VARIANCES ARE THEREBY REQUESTED TO MAKE THE HOME AND UNPERMITTED ADDITION CONFORMING. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF ALL REQUESTED VARIANCES, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS 	

	<p>DETERMINED THAT:</p> <ul style="list-style-type: none">○ THE EXISTING HOME WAS CONSTRUCTED IN 1971, FOLLOWING THE ADOPTION OF COMPREHENSIVE ZONING AND R-1 DISTRICT REGULATIONS IN 1960; THERE IS NO RECORD OF VARIANCES HAVING BEEN GRANTED FROM THE 25 FT MINIMUM FRONT YARD STANDARD THAT EXISTED IN 1971. HOWEVER, THE STRUCTURE RECEIVED AN OCCUPANCY PERMIT FOLLOWING ITS CONSTRUCTION AND HAS SINCE EXISTED AS A NONCONFORMING STRUCTURE. FOR THIS REASON, DENIAL OF THE REQUESTED FRONT YARD VARIANCE FROM 25 FT TO 12 FT WOULD CONSTITUTE A HARDSHIP.○ IN 1971, THE MINIMUM LOT SIZE STANDARD FOR THE R-1 DISTRICT WAS 7,000 SF. THE SUBSEQUENT INCREASE IN MINIMUM LOT SIZE FROM 7,000 SF TO THE CURRENT STANDARD OF 8,400 SF RESULTED IN A NONCONFORMING LOT OF RECORD. THIS FACTOR CONSTITUTES A HARDSHIP.○ PRINCIPAL BUILDINGS ON ADJACENT AND NEARBY PROPERTIES DO NOT APPEAR TO ENCROACH INTO THE REQUIRED SETBACKS TO THE EXTENT THE EXISTING HOME (INCLUDING THE UNPERMITTED ADDITION) DOES; THE GRANTING OF THE (NORTH) SIDE YARD VARIANCE WOULD BEGIN A TREND OF ENCROACHMENT THAT IS INCONSISTENT WITH THE CHARACTER OF THE NEIGHBORHOOD.○ THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE (NORTH) SIDE YARD VARIANCE, SINCE AN ADDITION EVEN LARGER IN SIZE COULD HAVE BEEN CONSTRUCTED IN THE (WEST) SIDE YARD TO CONFORM TO THE 7.5 FT SETBACK STANDARD.
STAFF RECOMMENDATION	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT CONSIDER THE FINDINGS STATED IN THIS REPORT AND APPROVE THE FRONT YARD SETBACK VARIANCE FROM 25 FT TO 12 FT FOR THE EXISTING HOME AND THE MINIMUM LOT SIZE VARIANCE FROM 8,400 SF TO 7,500 SF. STAFF FURTHER RECOMMENDS THE BOARD DENY THE SIDE YARD SETBACK VARIANCE FROM 7.5 FT TO 5 FT FOR THE EXISTING ADDITION.</p> <p>IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITION:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SINGLE-FAMILY HOME (AND ADDITION) AS DEPICTED ON THE ATTACHED SITE PLAN.

